

REMARKS/ARGUMENTS

Objection to the Drawings

The drawings were objected to under 37 CFR 1.83(a) as failing to show that the folding roof at least partially projects out of the boot, as set forth in claim 1 of the present application.

Attached is an annotated or corrected drawing sheet as well as a replacement sheet for figure 10. Assignee has amended the drawing to show that the folding roof (3, 4, 5) at least partially projects out of the boot. Assignee has added the rear boot 2 that corresponds to the inner line of the boot hood 15 in its closed position, as shown on figure 3. In the closed position of the boot hood 15, its inner limit merges with the outer limit of the boot 2.

No new matter has been added to the drawings. The boot hood 15, when opened, is also shown in figure 2. On the amended figure 10, Assignee has further reproduced the lower limit of the boot shown on figure 3. Assignee has mainly superimposed on initial figure 10 the position of elements already shown in figure 3.

Objection to the Specification

The specification was objected to as failing to provide proper antecedent basis for claimed subject matter pursuant to 37 CFR §1.75(d)(1) and MPEP §608.01(o). The office action indicated that, per claim 7, correction of the following language was required: stub...further forward...so as not to push against the bearing surface of the stub of the front roof element.

Assignee respectfully disagrees with examiner's assertion that the pertinent portion of claim 7 is not supported by the written description. Assignee believes that the portion objected to is, in fact, supported by the description at page 10, lines 19 to 27, and more particularly, lines 21 to 27.

Accordingly, Assignee respectfully requests that the Examiner withdraw this objection since the cited claim language was supported by the original specification.

Rejections Under 35 USC 112, 2nd paragraph

Claims 12, 15 and 23-24 were rejected under 35 USC 112, 2nd paragraph as failing to point out and distinctly claim the subject matter which Applicants regard as the invention.

More particularly, per Claim 12, the Examiner provides that there is insufficient antecedent basis for the limitation "the lower leg." This claim has been amended to recite the limitation "the support element comprises a lower leg..." The limitation "the lower leg" is recited later in the claim. Moreover, the additional roof elements have been clarified in this claim. Accordingly, Assignee respectfully submits that this rejection for lack of sufficient antecedent basis has been overcome.

Assignee notes that Claim 12 was also amended in terms of formatting to remove the dash (-) markings that precede each claim element as well as to change commas to semicolons. Assignee submits these formatting changes to better format the claim.

Per Claim 15, Examiner provides that this claim is indefinite for insufficient antecedent basis. The office action does not point to specific language that it deems indefinite. Moreover, Assignee respectfully submits that the claim is not indefinite. For these reasons, Assignee respectfully requests withdrawal of this rejection for insufficient antecedent basis. Alternatively, Assignee requests clarification of this rejection for insufficient antecedent basis. Despite the claim lacking indefiniteness, Assignee has amended the claim to show that --stubs are--inserted into --cavities--as opposed to a single stub being inserted into a cavity.

Per Claim 23, the Examiner provides that there is insufficient antecedent basis for the "building rail". This claim has been amended to recite the limitation a "guiding rail". Assignee respectfully submits that this rejection for lack of sufficient antecedent basis has been overcome. Because Claim 24 depends from Claim 23, the rejection for lack of sufficient antecedent basis has also been overcome for Claim 24. Assignee further notes that Claim 23 was amended for better formatting. More particularly, Assignee has deleted the dash (-) marks that precede each claim element and added a colon (:) to better format the claims.

Examiner objects to Claim 19 as being in improper form because a multiple dependent claim must depend in the alternative. Accordingly, Claim 19 has been amended so that it depends only from Claim 5 and not Claim 17. Assignee respectfully submits that this rejection based on improper form has been overcome. Assignee notes that Claim 19 was further amended to provide further details on the securing means. More particularly, Claim 19 was amended to recite that the securing means is rotary mounted with respect to the raising device, around a transverse axis of rotation and located behind said plurality of additional roof elements when the roof is in the folded, stored position. Moreover, Assignee has deleted the elements related to a nut and an end of the arm.

Clarifying Amendments and New Claims

Allowed Claim 1 was amended to better clarify the invention. More particularly, Claim 1 was amended to reinsert the deleted word "fixed" in order to recite that the guiding rail is fixed to the body of the vehicle. Allowed Claim 7 was amended to better clarify the invention by reciting that stubs are integral to the central roof element and the front roof element respectively. Allowed Claims 7, 11 and 17 were also amended to remove the dash (-) markings that precede each claim element in order to better conform to U.S. claims format. Commas were also changes to semicolons where appropriate.

Moreover, Claims 29 and 30 have been added. No new matter is presented through these new claims.

Oath/Declaration

The office action provides that a new oath/declaration is required because the name of the third inventor is obscured on the declaration filed on 9/15/2005. Assignee respectfully submits that it will obtain a new oath/declaration. Assignee respectfully requests that the requirement for a new oath/declaration be held in abeyance until Assignee can obtain a new copy of an oath/declaration from France for filing in the United States Patent and Trademark Office.

Interview Summary

On or about February 6, 2007, the undersigned Assignee's representative contacted Examiner Pedder to indicate that the office action mailed November 13, 2006,

Appl. No. 10/521,890

Amdt. dated May 9, 2007

Reply to office action of February 9, 2007

was incomplete with regard to claim 28. Examiner Pedder indicated that a supplemental office action would be mailed with a new three month period for response.

Conclusion

The undersigned respectfully submits that this application is in condition for allowance. Early and favorable reconsideration and allowance of this application is respectfully requested. If any outstanding issues might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call the representative of the assignee of the entire interest of this application at the telephone number shown below.

Because this office action is filed within three (3) months of the PTO mailing date, Assignee believes no fees are due at this time. However, if any petition for extension of time is deemed necessary, a petition under 37 C.F.R. 1.136 is hereby made.

Respectfully submitted,

BURTON IP LAW GROUP

A handwritten signature in black ink, appearing to read 'Daphne L. Burton', with a stylized, flowing script.

Daphne L. Burton

Registration No. 45,323

2029 Century Park East
Suite 1400
Los Angeles, California 90067

Date: May 9, 2007

Direct dial: 310.867.2754

Facsimile: 310.867.2784

Annotated Sheet

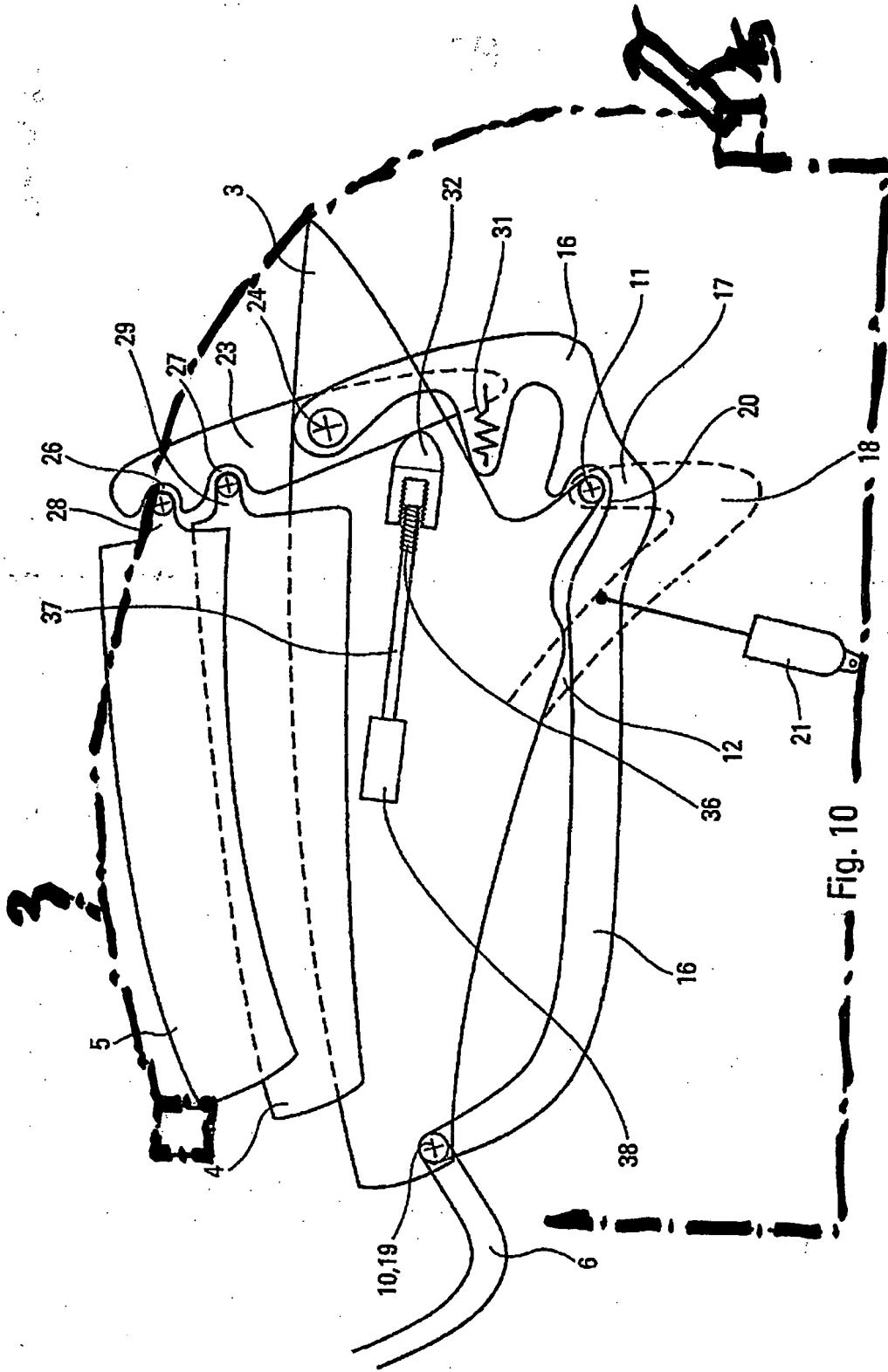


Fig. 10

